

REMARKS

Request for Reconsideration

Applicants have carefully considered the matters raised by the Examiner in the outstanding Office Action but remain of the position that patentable subject matter is present. Applicants respectfully request reconsideration of the Examiner's position based on the above amendments to the claims and the following remarks.

Claim Status

Claims 1-5 and 7-20 are pending in this Application.

Claims 21 and 22 have been cancelled and the subject matter from those claims has been incorporated into Claims 1 and 11.

As noted by the Examiner, Claims 21 and 22 contained allowable subject matter and were deemed allowable. Applicants have incorporated their limitations into Claims 1 and 11 and, thus, it is respectfully submitted that Claims 1 and 11 are allowable.

Since Claim 1 is allowable, it is respectfully submitted that the claims which depend upon Claim 1 are also allowable. It is respectfully submitted that the claim amendments should be entered because it places the case in condition for allowance.

Prior Art Rejection

The Examiner has put forward the following Prior Art rejections.

Claims 1-5 and 7-9 are unpatentable over a combination of JP '863, Ito and Arai; while Claim 11 is rejected as being unpatentable over a combination of JP '863 and Ito.

As noted above, the Examiner indicated that Claims 21 and 22 contained allowable subject matter and the independent claims have been amended herein to incorporate that allowable subject matter. In light of the amendments, it is respectfully submitted that the Prior Art rejection is now moot.

Rejoinder

The method claims in this Application had been withdrawn. Method claims all require the use of the toner of Claim 1. Since the toner of Claim 1 is now patentable over the cited references, it is respectfully requested that the method claims be rejoined since they now incorporate all of the limitations of Claim 1.

Conclusion

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and such action is respectfully requested. Should any extensions of time or further fees be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit Account # 02-2275.

Respectfully submitted,

LUCAS & MERCANTI, LLP

By: Donald C. Lucas
Donald C. Lucas, Reg. #31,275
Attorney for Applicant(s)
475 Park Avenue South, 15th Floor
New York, NY 10016
Tel. # 212-661-8000

DCL/mr